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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,796

10/16/2003

Tom Mooty

PC 03-67-1

7929

23531 7590 01/17/2007
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OMAHA, NE 68154

EXAMINER

MAPLES, JOHN S

ART UNIT

PAPER NUMBER

1745

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/686,796

Applicant(s)

MOOTY ET AL.

Examiner

John S. Maples

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The application(s) set forth in the beginning of the present application should be updated to show their most recent status.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 20-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, lines 8-9, applicant has claimed "a received removable battery" and in lines 11-12, "a received battery". Is this the same battery as set forth in line 4 of this claim or is this a different battery? If it is the same battery, then use of the word "same" is suggested. Clarification is required. The expression "to obtain a locked position and a released position" found in line 7 of claim 20 is unclear and indefinite. How can the closure member be configured to be in both a locked and released position at the same time? Clarification is required. Also, lines 8-9 in claim 20 set forth the closure member having a generally angled surface "directed toward" a received removable battery. It is not understood what is meant by this expression. It is suggested that the wording --in a direction-- or similar language be used to clarify the same.

In claim 26, line 2, the expression "generally transverse" is unclear. It is suggested that the wording --in a direction-- or similar language be used to clarify the same.

Claims 21-25, dependent on claim 20, fall therewith.

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Claim 27, line 4, applicant has claimed "a removable battery". Is this the same battery as set forth in line 1 of this claim or is this a different battery? If it is the same battery, then use of the word "same" is suggested. Clarification is required. The expression "to obtain a locked position and a released position" found in line 7 of claim 27 is unclear and indefinite. How can the closure member be configured to be in both a locked and released position at the same time? Clarification is required. In claim 27, line 8, the expression "oriented transversely" is unclear. It is suggested that the wording --in a direction-- or similar language be used to clarify the same.

Claims 28-32, dependent on claim 27, fall therewith.

In claim 33, lines 5-6, there is no antecedent basis for "closure member". Also, "angular surface" found in line 11 of claim 33 does not find proper antecedent basis. In lines 10 and 11-12 of claim 33 applicant has twice claimed "a received battery". Is this the same battery as set forth in line 3 of this claim or is this a different battery? If it is the same battery, then use of the word "same" is suggested. Clarification is required. Also, line 7 of claim 33 recites a push button "disposed transverse" to the guide channel. It is not known what is meant by this expression. Also, in line 11 in claim 33 sets forth the locking surface having an angular surface "directed toward" a received battery. It is not understood what is meant by this expression. It is suggested that the wording --in a direction-- or similar language be used to clarify the previously two recited expressions.

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In claim 39, line 2, the expression "generally transverse" is unclear. It is suggested that the wording --in a direction-- or similar language be used to clarify the same.

Claims 34-38, dependent on claim 33, fall therewith.

4. In view of the numerous cited 35 USC 112 paragraph problems with the claims, it is unclear exactly what applicant intends to claim and so a search of the prior art could not be conducted.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Thursday, 6:15-3:45, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSM/1-8-2007


JOHN S. MAPLES
PRIMARY EXAMINER